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**BEFORE THE
FEDERAL MARITIME COMMISSION**

FILED

SEP 12 2016

DOCKET NO. 15-11

Federal Maritime Commission
Office of the Secretary

IGOR OVCHINNIKOV, IRINA RZAEVA, and DENIS NEKIPELOV,

— vs. —

**MICHAEL HITRINOV a/k/a
MICHAEL KHITRINOV,
EMPIRE UNITED LINES CO., INC., and CARCONT, LTD.**

INFORMAL DOCKET NO.: 1953(I)

KAIRAT NURGAZINOV,

— vs. —

**MICHAEL HITRINOV a/k/a
MICHAEL KHITRINOV,
EMPIRE UNITED LINES CO., INC., and CARCONT, LTD.**

COMPLAINANTS' RESPONSE TO RESPONDENTS' MOTION TO SEAL

Pursuant to Rules 69 and 71 of the Federal Maritime Commission's Rules of Practice and Procedure 46 C.F.R. 502 *et seq.*, Complainants, by their Counsel, Marcus A. Nussbaum, Esq. Respond to Respondents' recently filed Motion to Seal.

At the outset, it is noted that so great was Mr. Jeffrey's haste to leap at the opportunity to take "another pound of flesh" from complainants' counsel, that Mr. Jeffrey, who myopically views himself as "the defender of the Rules", has filed his instant submission *in grossly improper form*, thus rendering said submission *fatally* defective.

Specifically, Mr. Jeffrey apparently took it upon himself to email a Microsoft Word document directly to the Office of the Secretary, which was not only *unsigned*, but also failed to include a Certificate of Service. Accordingly, and based on said *fatal* procedural defect, it is respectfully

submitted that the Office of the Secretary should *reject* said submission in its entirety. In the alternative, should the Commission accept such a fatally defective filed submission, the following is respectfully proffered in response to same.

In the first instance, the Presiding Officer is (yet once again), asked to note Mr. Jeffrey having continued to engage in the psychological phenomenon known as “projection”, wherein Mr. Jeffrey attempts to have the Commission visit sins upon complainants’ counsel that he himself has committed, yet attributes to others.

Specifically, while Mr. Jeffrey apparently takes issue with complaints’ counsel (rightfully) pointing out repeated procedural, substantive, and drafting errors by respondents’ junior counsel, Ms. Vohra, Mr. Jeffrey apparently finds it perfectly acceptable to have referred to complainants’ counsel as a “liar”, “weasel”, and a “coward”, and that the foregoing is in accord with Mr. Jeffrey’s lofty and pious pronouncements, on propriety of practice.

With particular regard to the latter vile opprobrium, the Presiding Officer is respectfully asked to take note that complainants’ counsel proudly served in the United States Army, at the rank of Captain, during operations Enduring Freedom and Iraqi Freedom for six (6) months during 2003, during which complainants’ counsel was awarded a Bronze Star for “Exceptional Meritorious Performance of Duty During Operation Iraqi Freedom” through the act of downing a “SCUD” missile headings towards a large encampment of U.S. forces, resulting in the saving of over fifteen-thousand (15,000) lives. Perhaps Mr. Jeffrey would be so good as to set forth his own military record before he accuses anyone else of being a “coward”.

As was set forth in complainants’ “good faith” attempt to ‘meet and confer’ with Mr. Jeffrey pursuant to the Rules of Practice and Procedure of the Commission which Mr. Jeffrey roundly and categorically *ignores*, via email (a copy of which is annexed hereto as Appendix “A”), complainants will consent to the sealing of Complainants’ Reply To Respondents’ Response To Complainants’ Motion Requesting Ruling On Outstanding Discovery Issues Prior To Ruling On All Other Motions

Pending, *contingent upon* Mr. Jeffrey agreeing to similarly seal *all* submissions of respondents containing scurrilous personal attacks upon complainants' counsel, inclusive of the disgustingly disparaging comments made in respondents' submission to which this responds.

With regard to Mr. Jeffrey's attempt to conflate separate motions pending before the Presiding Officer, and accompanying typical attempt to make further "unauthorized" argument on submissions previously made, complainants' counsel will *not*, as has Mr. Jeffrey, attempt to argue other motions in the context of respondents' instant requested narrow relief to seal portions of the record hereof.

Neither will Complainants' counsel address Mr. Jeffrey's wild-eyed and reckless accusations regarding alleged "defamation", other than to state that at such time as Mr. Jeffrey may be so foolish to initiate any type of legal action regarding such alleged "defamation", complainants' counsel will respond swiftly and accordingly. In the interim, we do note, with no little amusement, Mr. Jeffrey finding the verbiage of complainants' counsel's submission "defamatory", while in the same breath excusing his own characterization of complainants' counsel as a "cowardly weasel", which Mr. Jeffrey apparently finds to fall within the penumbra of the protection he seeks to divest complainants from, in an ultimate but not surprising act of utter disingenuousness. Complainants further note the complete incongruity of Mr. Jeffrey braying that by copying his managing partner, Mr. Lesk, complainants have somehow waived the immunities and protections afforded attorneys against claims of defamation in legal papers, while simultaneously admitting having shared the contents of the very submissions at bar with "other attorneys".

As to Ms. Vohra, complainants' counsel will not comment upon Mr. Jeffrey's obvious puffery, other than to note this associate's history of procedural and substantive errors in the filing of prior submissions in this matter.

In closing, while Mr. Jeffrey's world view of himself is that of "a legend in his own mind", that opinion is *not* shared by fellow members of the plaintiff's/complainants' bar who have had similarly unpleasant experiences with Mr. Jeffrey, as well as with his client Hitrinov.


Complainants further note Mr. Jeffrey's ever-growing megalomaniacal tendencies, which now apparently include not only viewing himself as the "protector of the Rules" and arbiter of all legal matters, but most recently as a "forensics writing style" expert who purports to have the ability to divine who it is who has been authoring complainants' submissions in this matter.

Complainants' counsel will no longer attempt to correct Mr. Jeffrey's calcified delusions, other than to again state that all motions, responses, status reports, emails, submissions, correspondence, and any and all other documents or filings in this matter have been authored, written, signed, and executed *solely and exclusively* by Marcus A. Nussbaum, Esq.

Wherefore, and based upon the foregoing, complainants by their counsel respectfully oppose the instant Motion to Seal Complainants' Reply To Respondents' Response To Complainants' Motion Requesting Ruling On Outstanding Discovery Issues Prior To Ruling On All Other Motions, to the extent that said motion selectively seeks to seal *only* the submissions of complainants' counsel. Complainants will consent to respondents' instant requested relief, contingent upon respondents' consent to seal *the entirety* of Mr. Jeffrey's submissions containing scurrilous attacks and personal insults made against complainants' counsel, far in excess of those contained in Mr. Jeffrey's overheated rhetoric regarding complainants' submission now complained of.

Dated: Brooklyn, New York
September 12, 2016

Respectfully Submitted,



Marcus A. Nussbaum, Esq.
P.O. Box 245599
Brooklyn, NY 11224
Tel: 888-426-4370
Fax: 347-572-0439
Attorney for Complainants
marcus.nussbaum@gmail.com

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the **COMPLAINANTS' RESPONSE TO RESPONDENTS' MOTION TO SEAL** and **APPENDIX** upon Respondents' Counsel at the following address:

Nixon Peabody LLP
Attn: Eric C. Jeffrey, Esq.
799 9th Street NW, Suite 500
Washington, DC 20001-4501

by first class mail, postage prepaid, and via email (to ejeffrey@nixonpeabody.com).

A handwritten signature in black ink, appearing to read "Marcus A. Nussbaum", is written over a horizontal line.

Marcus A. Nussbaum, Esq.
P.O. Box 245599
Brooklyn, NY 11224
Tel: 888-426-4370
Fax: 347-572-0439
Attorney for Complainant
marcus.nussbaum@gmail.com

Dated: September 12, 2016 in Brooklyn, New York.

RECEIVED

MARCUS A. NUSSBAUM, ESQ.

Mail Drop: P.O. Box 245599, Brooklyn, NY 11224

Tel: 888-426-4370 | Fax: 347-572-0439

Email: marcus.nussbaum@gmail.com

Web: www.nussbaumlawfirm.com

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OFFICE OF THE SECRETARY
FEDERAL MARITIME COMM

September 12, 2016

Federal Maritime Commission
800 North Capitol Street, N.W.
Washington, D.C. 20573
Attn: Office of the Secretary
Attn: Karen V. Gregory

Re: *Igor Ovchinnikov, et al, v. Michael Hitrinov a/k/a Michael Khitrinov, et al.*
FMC Docket 15-11

Kairat Nurgazinov, v. Michael Hitrinov a/k/a Michael Khitrinov, et al.
FMC Informal Docket 1953(I)

Dear Ms. Gregory:

I represent the Complainants in the above referenced matters.

Attached, please find an original and five copies of Complainants' Response to Respondents' Motion to Seal and Appendix.

Respondents have been additionally served herein via First Class Mail.

We thank the Commission for its continued courtesy and consideration.

Respectfully Submitted,



Marcus A. Nussbaum, Esq.

P.O. Box 245599

Brooklyn, NY 11224

Tel: 888-426-4370

Fax: 347-572-0439

Attorney for Complainants

marcus.nussbaum@gmail.com